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Paper No.

SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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OFFICE OF PETITIONS

In re Patent No. 7,220,567	:	LETTER REGARDING
Hosted et al.	:	PATENT TERM ADJUSTMENT
Issue Date: May 22, 2007	:	and
Application No. 09/855,340	:	NOTICE OF INTENT TO ISSUE
Filed: May 15, 2001	:	CERTIFICATE OF CORRECTION
Atty Docket No. IN01164K	:	

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT (PTA) UNDER 37 C.F.R. § 1.705(d) filed June 25, 2007.

The request for review of the patent term adjustment is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of nine hundred twenty-four (924) days.

On May 22, 2007, the application matured into U.S. Patent No. 7,220,567, with a revised patent term adjustment of 1097 days. Patentees disclose that the patent term adjustment indicated on the patent should be 924 days. Patentees disclose that the patent is entitled to 1102 days of actual delay as provided for under 37 C.F.R. §§ 1.703(f), 702(b) and 703(b) reduced by 178 days for applicant delay.

Patentees are correct. By decision mailed April 16, 2007, the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) filed March 7, 2007 was granted. The correction of the initial PTA was made by way of entry of an additional period

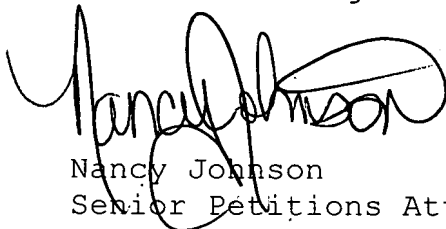
of adjustment of 173 days and removal of a period of reduction of 130 days.

The patent issued 3 years and 1102 days after the actual filing date of the application. A review of the record reveals that at the time of issuance of the patent an additional period of adjustment of 659 days was entered pursuant to § 1.703(b). This period was entered without consideration of the fact that the period under § 1.703(b) overlaps with the period of adjustment of 173 days pursuant to § 1.703(a) entered on decision on application for patent term adjustment mailed April 16, 2007. (It considered only the overlapping period of 443 days). As such, as recognized by patentees, the patent term adjustment is incorrect and should be decreased by 173 days to 924 days (which is equal to 1102 days reduced by 178 days of applicant delay).

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office. The fee submitted is being refunded to petitioner's Deposit Account, as authorized.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by nine hundred twenty-four **(924)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,220,567 B2
DATED : May 22, 2007
INVENTOR(S) : Hosted, Jr. et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (1097) days

Delete the phrase "by 1097" and insert – by 924 days--